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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,688	06/25/2003	Bill Kitchen	1158.41315CC9	1350
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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,688

Applicant(s)

KITCHEN ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/4/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 6/5/2003.
2. Claims 34-59 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 34-40, 47-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogan (5,699,528 hereinafter Hogan).

With respect to claims 34 and 47, Hogan teaches a method for electronically presenting and paying bills (Abstract). Receiving by a service provider first billing information representing a first bill (see Figure 10); transmitting a notice of availability of electronic presentment of at least a portion of the first billing information (see figure 11); directing payment of the first bill subsequent to transmitting the notice (see figure 11); receiving by the service provider second billing information representing a second bill (see Figure 10); directing payment of the second bill without transmitting a notice of availability of electronic presentment of at least a portion of the second billing information (i.e. the user can log into the EBSC website to pay his or her bill)(col. 5, lines 62 to col. 6, lines 1-30).

With respect to claims 35, 48 Hogan teaches the first bill is for a first consumer and the second bill is for a second consumer and the first consumer and the first

consumer is the same as the second consumer (see figures 10 and 11 and col. 5, lines 62 to col. 6, lines 1-30).

With respect to claims 36-37, 49-50, Hogan teaches the first bill is associated with a first biller and the second bill is associated with a second biller and the first biller is different than the second biller (see figure 10).

With respect to claims 38-39, 51-52 Hogan further teaches that the first bill and the second bill is paid without receipt of a request for the service provider to pay the respective bill (i.e. the customer can log into the EBSC website and access the bill without receiving a request from the service provider to pay the bill)(col. 5, lines 62 to col. 6, lines 1-30).

With respect to claims 40, 53 Hogan further teaches receiving, prior to receipt of billing information, a pre-bill instruction for the service provider to pay future bills at least one of the first biller and the second biller; wherein at least one of the first bill and the second bill is a future bill (i.e. receiving instructions on how to pay future bills)(col. 5, lines 53-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-44, 45-46, 54-57 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan in view of Landry (5,956,700 hereinafter Landry).

With respect to claims 41-44, 54-57, Hogan further teaches that the pre-bill instruction includes a directive for the service provider to pay the future bills in an amount equal to a total amount and a period of time for the service provider to pay future bills. Landry teaches having pre-instruction from the payor as to indicate the amount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Hogan the teaches of Landry of the pre-bill instruction includes a directive for the service provider to pay the future bills in an amount equal to a total amount and a period of time for the service provider to pay future bills because such a modification would give the payor control.

With respect to claims 45-46, 58-59 Hogan teaches a method for electronically presenting and paying bills (Abstract). Receiving by a service a consumer request for the service to pay future bills of a biller on behalf of the consumer (see Figure 10); receiving by the service provider billing information representing one of the future bills of the biller for the consumer subsequent to the receipt of electronic presentment of the consumer request (see figure 11); transmitting to the consumer a notice of at least a portion of the billing information (see figure 11); receiving by the service provider second billing information representing a second bill.

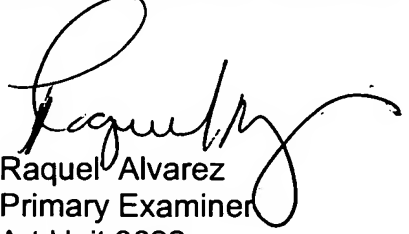
With respect to directing payment of the one bill on behalf of the consumer subsequent to transmitting the notice without receipt of the consumer request for the service provider to pay the one bill. Landry teaches having pre-instruction from the payor as to indicate the amount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included directing payment of the one bill on behalf of the consumer subsequent to transmitting the notice without receipt of the consumer request for the service provider to pay the one bill because such a modification would allow for the payor the convenience of to take "**negative action, to pay such a bill**" (in Landry, col. 4, lines 32-35).

Point of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
12/22/2005